

Exhibit O

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY;

THE STATE OF MONTANA,
By and through its Attorney General, AUSTIN
KNUDSEN;

THE STATE OF ARIZONA, By and through
its Attorney General, MARK BRNOVICH;

THE STATE OF UTAH, By and through its
Attorney General, SEAN D. REYES;

Et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as
Secretary of the U.S. Department of Health and
Human Services;

THE U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES;

CHIQUITA BROOKS-LASURE, in her official
capacity of Administrator of the Centers for
Medicare and Medicaid Services;

CENTERS FOR MEDICARE AND MEDI-
CAID SERVICES;

DEFENDANTS.

DECLARATION OF
BRENDA BARTHOLOMEW

CIVIL ACTION No. _____

I, BRENDA BARTHOLOMEW, declare as follows:

1. I have personal knowledge of the matters set forth in this Declaration. If required to do so, I could and would testify consistent with this Declaration in a court of law.

2. I am over the age of 18 years, a resident of the State of Utah, and am fully competent in all respects to testify regarding the matters set forth herein.

3. I am the Chief Executive Officer of Gunnison Valley Hospital, a Utah Special Service District hospital located in Gunnison, Utah serving a population base of about 32,000.

4. Gunnison Valley Hospital operates a 25 bed, Critical Access Hospital, medical clinics, a cancer treatment center, home health, hospice and other services.

5. Appropriately staffing a Critical Access Hospital, clinics, departments, home health and hospice services in a remote, rural area is extremely challenging and the CMS COVID-19 vaccine mandate issued on November 4, 2021 may be devastating to our some of our departments, clinics and services when employees quit or are terminated because they refuse to be vaccinated. The loss of these employees may force the cessation of some hospital services and possibly the closure of some departments and clinics, all of which will reduce the amount and quality of healthcare services offered to our patients.

6. As the CEO, I strongly support vaccination and work diligently to promote its safety and efficacy among our employees. My desire is for my staff to be 100% vaccinated.

7. While the percentage of over-all employees that the hospitals will lose because of the mandate may not be significant, because we have very small departments and employee specialties are not interchangeable, losing even 10 or 20 employees, which is a likely outcome of the mandate, may have devastating results to our ability to provide the level of care we have provided in the past.

8. A number of hospital employees have expressed personal beliefs of such strength and commitment that they will quit their jobs rather than be forced to receive the vaccination. This will cause significant problems for our hospital, clinics, home health, hospice and other services.

9. Our caregivers are exhausted by the surge of patients for whom they are providing care and we simply cannot afford to lose caregivers and employees due to the mandate, especially where similar services are not available for many miles and we are understaffed given our rural location and the surge of patient activity related to COVID-19.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true to the best of my knowledge.

DATED this 15th day of November, 2021.

/S/ Brenda Bartholomew
Brenda Bartholomew

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